

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|-----------------------------|---|--------------------------------------|
| WARDELL L. TYREE, | : | CIVIL ACTION NO. 1:06-CV-0112 |
| | : | |
| Petitioner | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| CAMERON LINDSAY and | : | |
| PA ATTORNEY GENERAL, | : | |
| | : | |
| Respondents | : | |

ORDER

AND NOW, this 31st day of October, 2007, upon consideration of the report of the magistrate judge (Doc. 30), to which no objections were filed, recommending that petitioner's motion to lift the stay of his petition for writ of habeas corpus (Doc. 26) be denied and that the petition (Doc. 1) be transferred, and, following an independent review of the record, it appearing that the underlying conviction and sentencing occurred in the District of Columbia, and it further appearing that all witnesses, counsel, and records of the conviction are located within the District of Columbia, and the court concluding that the interests of justice would best be served by the transfer of the petition to the United States District Court for the District of Columbia, see 28 U.S.C. § 2241(d) (permitting the transfer of habeas petitions between the district of incarceration and the district of sentencing "in the exercise of [the court's] discretion and in furtherance of justice"), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 30) is ADOPTED.
2. Petitioner's motion to lift the stay of his petition for writ of habeas corpus (Doc. 26) is DENIED.

3. The above-captioned case is TRANSFERRED to the United States District Court for the District of Columbia.
4. The Clerk of Court is directed to CLOSE this file.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge